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C O U N S E L O R S A T L A W

SEND TO

Name:	Derek A. Putonen	Firm:	USPTO - Office of PCT Legal Administration
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FROM

Name:	Paul N. Kokulis	Date Sent:	February 27, 2004
Operator Sending:		Telephone Number:	(202) 739-5455
FAX Number:	(202) 739-3001	Floor:	3
		Number of Pages:	9 (including cover page)

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COMMENTS

In re Application of
BEHAN ET AL
Serial No.: 10/088,601
Filed: March 21, 2002
Title: DISPENSING DEVICES

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Legal Staff
International Division

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PATENT
Attorney Docket No. 056646-5004-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
BEHAN ET AL

Serial No.: 10/088,601

Derek A. Putonen
Attorney Advisor

Filed: March 21, 2002

Title: DISPENSING DEVICES

VIA FACSIMILE

SUBMISSION

Office of PCT Legal Administration
Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Referring to telephone discussions on February 26th with Mr. Putonen, Attorney Advisor in the Office of PCT Legal Administration, attached hereto is a copy of the applicants' Renewed Petition under 37 CFR 1.42, Supplemental Declaration of Susan Hart and Transmittal Form (including extension fee authorization) as filed on August 29, 2003.


Also attached is a copy of postcard date-stamped August 29, 2003 showing USPTO receipt of the attached papers as of that date.

The undersigned affirms that the attachments represent true and complete copies of the papers which were filed on August 29, 2003.

Appln. No. 10/088,601
Attorney Docket No. 056646-5004-US

Mr. Putonen's assistance is very much appreciated and favorable action is requested.

Respectfully submitted,
MORGAN LEWIS & BOCKIUS LLP

By 
Paul N. Kokulis
Reg. No. 16773

Date: February 27, 2004

Customer No. 09629
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
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MORGAN LEWIS & BOCKIUS LLP

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

First Inventor:	BEHAN ET AL	Atty:	Paul N. Kokulis
U.S. Serial No.:	10/088,601	Date:	August 29, 2003
Client/Matter No.:	056646-5004		
Due Date:	September 2, 2003		

1. Renewed Petition under 37 CFR 1.42
2. Supplemental Declaration of Susan Hart
3. Transmittal Form

Fees:

2-month extension \$410.00

PNK/mah

**DOCKETED**
By SW Date 8-29-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

For: DISPENSING DEVICES

Examiner: (Unassigned)

Sir:

TRANSMITTAL FORM

- ### Supplemental Declaration of Susan Hart

- ### 3. Extension of Time

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

ATTORNEY DOCKET NO. 056646-5004
Application No.10/088,601
Page 2

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	\$ 410.00	\$ 205.00
<input type="checkbox"/> three months	\$ 930.00	\$ 465.00
<input type="checkbox"/> four months	\$ 1,450.00	\$ 725.00

Extension of time fee due with this request: \$ 410.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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 Application No.10/088,601
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5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	Large Entity at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	44	minus	32	12	x \$18 each=	+ \$216
Independent Claims (37 C.F.R. §1.16(b))	1	minus	3	0	x \$84 each=	+ \$
[X] First presentation of Multiple dependent claim(s)					\$280.00	+ \$280
TOTAL =						\$496

6. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Check in the amount of \$_____ for _____. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 29, 2003

By: 

Paul N. Kokulis
 Reg. No. 16,773

CUSTOMER NO. 09629
 MORGAN, LEWIS & BOCKIUS LLP
 1111 Pennsylvania Avenue, N.W.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BEHAN ET AL

Serial No.: 10/088,601

Group Art Unit: (Unassigned)

Filed: March 21, 2002

Examiner: (Unassigned)

Title: DISPENSING DEVICES

RENEWED PETITION UNDER 37 C.F.R. 1.42

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

The applicants hereby renew their petition for acceptance of the above application on the basis of declaration signed by Susan Hart as Executor for the deceased joint inventor Gerry Hart.

In a decision dated May 2, 2003, the applicants' initial submission under 37 C.F.R. 1.42 was refused without prejudice on the ground that the declaration submitted with other application papers was not in compliance with 37 C.F.R. 1.497(a)-(b) in that it was unclear whether the declaration set forth the residence, post office address and country of citizenship of Gerry Hart or the Executor. The decision stated that information had to be provided for both the deceased inventor, Gerry Hart, and the Executor, Susan Hart.


In response, the applicants submit herewith the Supplemental Declaration of Susan Hart which confirms that the residence, post office address and citizenship as stated in the earlier declaration apply to both Susan Hart and the deceased Gerry Hart.

It is believed that, in view of the attached Supplemental Declaration, the applicants have complied with all requirements. Accordingly, favorable reconsideration with acceptance of the application for examination is requested.

BEHAN ET AL
Serial No 10/088,601

A two-month extension of time is required for this response. It is requested that the fee for such extension be charged to Deposit Account 50-0310 (Order No. 056646-5004). Additionally, if any other fee is required, please also charge the indicated account.

Respectfully submitted,
MORGAN LEWIS & BOCKIUS LLP

By 
Paul N. Kokulis
Reg. No. 16773

Date: August 29, 2003

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

BEHAN ET AL

Serial No.: 10/088,601

Group Art Unit:

(Unknown)

Filed: March 21, 2002

Examiner: (Unknown)

Title: DISPENSING DEVICES

SUPPLEMENTAL DECLARATION OF SUSAN HART

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Susan Hart, declare as follows:

1. I am the Susan Hart who, on May 22, 2002, signed the patent application declaration filed in connection with U.S. patent application Serial No. 10/088,601 as Executor for my deceased husband, Gerry Hart.

2. The residence (Great Britain) and country of citizenship (Great Britain) given in the declaration referred to in ¶ (1) apply to both my deceased husband and to me. The Post Office address was my address as of the date I signed said declaration and was also the last known address for my deceased husband.

3. I hereby confirm all of the statements which I made in said declaration as Executor for my deceased husband Gerry Hart.

4. The undersigned declares that all statements made herein of my personal knowledge are true and that all statements made on information and belief are believed true; and further that these statements were made with the knowledge that any willful false statements are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code

BEHAN ET AL
Serial No 10/088,601

and that willful false statements may jeopardize the validity of said application or patent issuing thereon.

Susan Hart
Susan Hart

2nd August 2003
Date

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